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April 19, 2002

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Time: \_\_\_\_\_  
(Minneapolis, Minn.)  
TO: Commissioner for Patents  
Attn: Michail A. Belyavskyi  
Patent Examining Corps  
Facsimile Center  
Washington, D.C. 20231

FROM: Janet E. Embretson  
GROUP 1600  
OUR REF: 600.492US1  
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FAX NUMBER (703) 308-4315

\* Please deliver to Examiner Michail A. Belyavskyi in Art Unit 1644. \*

Document(s) Transmitted: Response to Restriction Requirement

Total pages of this transmission, including cover letter: 3 pgs

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In re. Patent Application of: Mohamed E. El Halawani et al. Examiner: Michail A. Belyavskyi

Serial No.: 09/754,826

Group Art Unit: 1644

Filed: January 4, 2001

Docket No.: 600.492US1

Title: USE OF PASSIVE MYOSTATIN IMMUNIZATION

Please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

By: Janet E. Embretson  
Name: Janet E. Embretson  
Reg. No.: Reg. No. 39,665

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S/N 09/754,826

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mohamed E. El Halawani et al.

Examiner: Michail A. Belyavskyi

Serial No.: 09/754,826

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RESPONSE TO RESTRICTION REQUIREMENT

**GROUP 1600**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Restriction Requirement mailed March 19, 2002, Applicant provisionally elects, with traverse, the claims of Group I (claims 1-8) directed to a myostatin immunoconjugate comprising a full-length myostatin polypeptide linked to a carrier. Reconsideration and withdrawal of the Restriction Requirement, in view of the remarks below, is respectfully requested.

The Restriction Requirement is traversed on the basis that the inventions are so closely related within the context of the disclosure of the application that they cannot properly be considered independent and distinct within the statutory meaning of 35 U.S.C. § 121. Claims directed to a myostatin immunoconjugate comprising a full-length myostatin polypeptide linked to a carrier (claims 1-8; Group I) are clearly related to claims directed to the use of that immunoconjugate, e.g., the use of the immunoconjugate in a method for increasing muscle mass in progeny of an egg-laying vertebrate (claims 9-16; Group II), a method to passively immunize progeny of a female vertebrate (claims 17 and 19-23; Group III), a method to decrease body fat in a vertebrate (claims 18-24; Group IV), and a method to increase testes size (claims 25-28; Group V).

Moreover, the Restriction Requirement is traversed on the basis that Restriction Requirements are optional in all cases. M.P.E.P. § 803. If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it may arguably include claims to distinct or independent inventions. M.P.E.P. § 803. It is respectfully submitted that the search and examination of claims directed to a myostatin immunoconjugate comprising a full-length myostatin polypeptide linked to a carrier (claims 1-8; Group I) and claims directed to the use of that immunoconjugate in a method for increasing muscle mass in progeny of an egg-laying vertebrate (claims 9-16; Group II), a method

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Page 2  
Dkt: 600.492US1

to passively immunize progeny of a female vertebrate (claims 17 and 19-23; Group III), a method to decrease body fat in a vertebrate (claims 18-24; Group IV), and/or a method to increase testes size (claims 25-28; Group V), would not be a serious burden to the Examiner due to the relatedness of the subject matter.

Further, as the claims in Groups II-V are dependent on claim 7, which is dependent on claim 1, and thus are linked, claims 1-28 should be examined in the same application. M.P.E.P. § 809.03.

Claims 1-8 (Group I) are product claims and claims 9-28 (Groups II-V) are method of use claims that employ that product. Accordingly, Applicant's Representatives respectfully request rejoinder of the claims of Groups II-V with the claims of Group I upon a notice of allowable subject matter for the claims in Group I. M.P.E.P. § 821.04.

Hence, the Restriction Requirement is properly traversed. Reconsideration and withdrawal is respectfully requested.

The Examiner is invited to contact Applicant's attorney (612-373-6959) if there are any questions concerning this Response or if prosecution of this application may be assisted thereby.

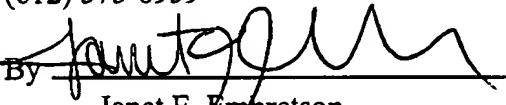
Respectfully submitted,

MOHAMED E. EL HALAWANI ET AL.,

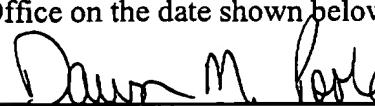
By their Representatives,

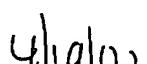
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